IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF WEST VIRGINIA MARTINSBURG

WANDA IRENE KINS.

Plaintiff,

v. CIVIL ACTION NO.: 3:14-CV-86

(JUDGE GROH)

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before this Court for consideration of the

Report and Recommendation ("R&R") of United States Magistrate Judge Robert W.

Trumble [ECF 25], filed on February 27, 2015, to which neither party filed objections.

This Court is required to make a *de novo* review of those portions of the magistrate

judge's findings to which objection is made. 28 U.S.C. § 636(b)(1)(C). However, failure

to file objections to the magistrate judge's proposed findings and recommendation permits

the district court to review the recommendation under the standards that the district court

believes are appropriate, and, under these circumstances, the parties' right to de novo

review is waived. See Webb v. Califano, 468 F. Supp. 825 (E.D. Cal. 1979).

Pursuant to Judge Trumble's R&R, as well as 28 U.S.C. § 636(b)(1)(C) and Federal

Rule of Civil Procedure 6(d), objections were due fourteen days plus three days after entry

of the R&R, or March 16, 2015. Because no objections have been filed, this Court reviews

the report and recommendation for clear error.

In this matter, Judge Trumble found that substantial evidence did not support the

ALJ's residual functional capacity assessment or credibility determination and

recommended granting the Plaintiff's Motion for Summary Judgment and remanding this

case for further proceedings.

Upon review of the above, it is the opinion of this Court that the Report and

Recommendation should be, and is, hereby **ORDERED ADOPTED**. For the reasons more

fully stated in the Report and Recommendation, this Court ORDERS that the Plaintiff's

Motion for Summary Judgment [ECF 14] is **GRANTED** and the Commissioner's Motion for

Summary Judgment [ECF 17] is **DENIED**, with a remand of the case to the Commissioner

for further proceedings consistent and in accord with the Report and Recommendation.

Accordingly, this Court further ORDERS that this matter be DISMISSED WITH

PREJUDICE and that it be STRICKEN FROM THE DOCKET OF THIS COURT. The Clerk

is **DIRECTED** to enter judgment in favor of the Plaintiff.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record.

**DATED**: March 17, 2015

UNITÉD STATES DISTRICT JUDGE

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